



question, including whether injunction should issue. Defendant requests that if the court wishes to hold a hearing on the motion to dismiss, to which plaintiff has not yet responded, hearing be undertaken first on its motion, before any hearing on plaintiff's motion for preliminary injunction.

In furtherance of the just, speedy, and inexpensive determination of this action, where the parties implicitly request stay of this proceeding until decision on the motion to dismiss, the court stays progress of action pending this decision. And upon decision on the motion to dismiss, where the parties have determined that no additional evidence or briefs are necessary with respect to whether a preliminary injunction should be issued, the court promptly will turn to that motion should defendant's motion be denied.

If hearing is determined likely to aid in decision on that motion to dismiss, hearing will be set by the court. Hearing in that instance will not, however, be consolidated with one on the motion for preliminary injunction. Rather, said motion speedily will be taken up separately. If the case proceeds, the court also promptly will enter its case management order, with deference to the parties' joint report and plan.

SO ORDERED, this the 14<sup>th</sup> day of March, 2011.

  
LOUISE W. FLANAGAN  
Chief United States District Judge